

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. CR02-00225 DAE (01)
)	
Plaintiff,)	DECLARATION OF THEODORE Y.H.
)	CHINN
vs.)	
)	
ANDY S.S. YIP,	(01))	
)	
Defendant.)	
)	

DECLARATION OF THEODORE Y.H. CHINN

I declare under the penalty of perjury that the following facts are true and correct to the best of my knowledge and belief:

1. I am licensed attorney in the State of Hawaii and have been admitted to practice before the United States District Court for the District of Hawaii and the Court of Appeals of the United States of America for the Ninth Circuit.

2. My law office is located at 345 Queen St., Suite 900, Honolulu, Hawaii 96813.

3. I have been retained by Andy S.S. Yip, Defendant in the above-entitled case, to represent him in the appeal of the above-entitled matter.

4. Mr. Yip filed the Notice of Appeal on May 13, 2008 and the United States Court of Appeals for the Ninth Circuit,

pursuant to the direction for expedited briefing for criminal cases, has already filed the Order for Time Schedule setting the due date of on or before August 12, 2008 for the Opening Brief.

5. In accordance to the Order for Time Schedule, the court reporter's transcripts are due to be filed on July 3, 2008.

6. My understanding is that the file record in the instant case contains over 100 banker boxes, that about 20 banker boxes of exhibits were admitted into evidence, and that the trial took place over a 5 week period and that there were 15 trial days.

7. Because I was not the trial counsel and I am completely unfamiliar with the charges, the lengthy trial proceedings and the extensive trial records in the instant case, I am of the belief that an extension of time to file the opening brief of at least 60 days to October 12, 2008 will be necessary and will make such a request to the Ninth Circuit.

8. With this extensive trial record and possibly over 15 volumes of transcripts, I believe that consultation with and assistance from Mr. Yip would be extremely invaluable, not to mention essential, in preparing this appeal.

9. The consultation and assistance with Mr. Yip would include, inter alia, a) conferring on possible issues to appeal, which I have been made advised by trial counsel to be extensive and complex, b) identifying evidence in the extensive record on

appeal, and c) identifying key testimony at trial among the possible 15 volumes of transcript, of which the entire set would not be available until July 3, 2008, the current expected due date for completion.

10. This assistance is even more critical in light of the expedited briefing schedule.

11. Because of my current briefing schedule and prior commitments, I have been unable to begin review of the files and records of the instant case, with the exception of identifying proceedings for transcription that are necessary to perfect the appeal, and would not be able to begin review until after June 9, 2008. Indeed, the complete set of transcripts will not be available until July 3, 2008.

12. At present, Mr. Yip is required to surrender to the Bureau of Prison, Prison Camp at Lompoc, California on June 16, 2008.

13. Since Mr. Yip will be imprisoned in California and my practice is located in Honolulu, his surrender to Prison Camp at Lompoc, California on June 16, 2008 would mean that his assistance to his own appeal will be severely restricted and hampered, especially since I would not be able to begin work in the instant case until June 9th, 2008.

14. Accordingly, it is respectfully requested that, consistent with the intent of FRCP Rule 38(b) to facilitate the

ability of a defendant to materially assist his appellate counsel in the preparation of the appeal to the Court of Appeals, that the surrender date of Mr. Yip to Prison Camp at Lompac, California be extended for a period of 2 months to August 16, 2002 so that he can provide the critical and essential assistance to his appellate counsel in the preparation of the opening brief in his appeal.

Dated: Honolulu, Hawaii, June 3, 2008.



THEODORE Y.H. CHINN